

S/N 10/042,823

Response to Office Action Dated 12 November 2006

REMARKS

A review of the claims indicates that:

- A) Claims 11, 12, 25—29 and 44 remain in their original form.
- B) Claims 1—10, 15—24 and 31—42 are previously presented.
- C) Claims 13, 14, 30 and 43 were cancelled.

In view of the following remarks, Applicant respectfully requests reconsideration of the rejected claims.

Election of Species

The Applicant hereby elects Species I, subspecies 1b. The Applicant identifies Claims 1, 5, 7 and 9 as being associated with Species I, subspecies 1b.

Traversal of Restriction

The Applicant traverses the Restriction. M.P.E.P. § 803 states that an application may be properly restricted only if (1) the inventions are independent or distinct as claimed, and (2) there is a serious burden on the Examiner if restriction is not required. Thus, even if appropriate reasons exist for requiring restriction, such a requirement should not be made unless there is an undue burden on the Examiner to examine all of the claims in a single application.

The Applicant earnestly requests that Claim 24 also be examined.

Examination of Claim 24, in addition to Claims 1, 5, 7 and 9 would not be overly burdensome. First, the Applicant notes that adding Claim 24 to those claims examined would still result in a very small and manageable number of claims, i.e. five (5) claims.

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1 Second, the Applicant notes that substantial searching has already been
2 done, and that most of the claim amendments from the prior Response were copied
3 from originally filed claims.

4 Third, the Applicant notes that substantial overlap is involved in the search
5 of independent Claim 24 and independent Claims 1 and 7. For purposes of
6 illustration, the Applicant reproduces Claim 24 below, for comparison to Claim 7.

7 **Claim 24** recites a printing device comprising:

- 8 • an ink-jet printing mechanism configurable to selectively apply at
9 least two different color inks to a print media; and
- 10 • logic operatively coupled to said ink-jet printing mechanism and
11 configured to select between at least two print modes comprising a
12 dark dot gain print mode and an object definition print mode,
13 wherein the print modes produce different output, such that the dark
14 dot gain print mode enhances photographic image quality and the
15 object definition print mode enhances object edge definition, and
16 wherein:
- 17 • in said dark dot gain print mode, said logic causes said ink-jet
18 printing mechanism to selectively apply at least one dark color ink to
19 a dry portion of said print media, and only thereafter apply at least
20 one light color ink to said portion of said print media while still wet
21 with said at least one dark color ink, and
- 22 • in said object definition print mode, said logic causes said ink-jet
23 printing mechanism to selectively apply at least one light color ink to
24 said dry portion of said print media, and only thereafter apply at least
25 one dark color ink to said portion of said print media while still wet
26 with said at least one light color ink.

27 The search for elements recited by paragraph 1 of Claim 24, including an
28 ink-jet mechanism configured for at least two colors, overlaps Claim 7, which
29 recites a "print mode method for use in a color ink jet printer" (see Claim 7,
30 preamble). Thus, both Claims 7 and 24 recite the use of color ink jet printing.

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Paragraph 2 of Claim 24 recites selecting between "at least two print modes comprising a dark dot gain print mode and an object definition print mode, wherein the print modes produce different output, such that the dark dot gain print mode enhances photographic image quality and the object definition print mode enhances object edge definition". The same two print modes are recited by Claim 7, at paragraph 1, including a "dark dot gain print mode" and an "object definition print mode". Thus, both Claims 7 and 24 recite the same modes and their utility for photographic image quality and object edge definition.

Paragraph 3 of Claim 24 is worded very similarly to paragraph 2 of Claim 7. In particular, both claims recite a dark dot gain print mode, including aspects of applying a dark color to a dry portion of the media and thereafter applying a light color to portions of the media still wet from application of the dark ink. Thus, both Claims 7 and 24 recite similar aspects of the dark dot gain print mode.

Paragraph 4 of Claim 24 is worded very similarly to paragraph 3 of Claim 7. In particular, both claims recite an object definition print mode, including aspects of applying one light color ink to dry portions of the media and thereafter applying a dark ink color to a portion of the print media still wet from application of the light color ink. Thus, both Claims 7 and 24 recite similar aspects of the object definition print mode.

Therefore, there is overwhelming similarity between Claims 1, 7 and 24. Accordingly, the Applicant submits that examination of Claim 24 would be appropriate.

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Possible Amendment to Claim 24

The Examiner appears to distinguish Species I and II in large measure by the "logic" recited in Claim 24. The Applicant requests that the Examiner call the Applicant's attorney to discuss a possible amendment to Claim 24 to remove the "logic" language. The Applicant suggests one such amendment, seen below, which is intended to remove the "logic" language to facilitate examination of Claim 24 with Claims 1, 5, 7 and 9.

Claim 24, according to a Draft Amendment, could recite a printing device comprising:

- an ink-jet printing mechanism configurable to selectively apply at least two different color inks to a print media; and
- ~~logic operatively coupled to said ink jet printing mechanism and configured to select~~means for selecting between at least two print modes, wherein the means for selecting are operatively coupled to said ink jet printing mechanism and comprise ~~comprising~~ a dark dot gain print mode and an object definition print mode, wherein the print modes produce different output, such that the dark dot gain print mode enhances photographic image quality and the object definition print mode enhances object edge definition, and wherein:
 - in said dark dot gain print mode, said ~~logic~~means for selecting causes said ink-jet printing mechanism to selectively apply at least one dark color ink to a dry portion of said print media, and only thereafter apply at least one light color ink to said portion of said print media while still wet with said at least one dark color ink, and
 - in said object definition print mode, said ~~logic~~means for selecting causes said ink-jet printing mechanism to selectively apply at least one light color ink to said dry portion of said print media, and only thereafter apply at least one dark color ink to said portion of said print media while still wet with said at least one light color ink.

Therefore, the Applicant encourages the Examiner to call the Applicant to work out an amendment allowing examination of Claim 24.

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Conclusion

The Applicant has elected Species I, subspecies 1b. The Applicant has identified Claims 1, 5, 7 and 9 as being associated with Species I, subspecies 1b.

Additionally, the Applicant earnestly requests that the Examiner examine Claim 24. The Applicant has shown that there an extensive overlap between Claims 1, 7 and 24. The Applicant has suggested a possible amendment to Claim 24 to remove the "logic" terminology used by the Examiner to distinguish Species I and II. Therefore, the Applicant earnestly requests that the Examiner call the undersigned attorney to discuss inclusion of Claim 24.

Respectfully Submitted,

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